



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
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MAR 29 2005

F/SWR2:MH

Mr. John J. Kirlin
Executive Director
Marine Life Protection Act Initiative
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814

Dear Mr. Kirlin:

NOAA's National Marine Fisheries Service (NMFS), Southwest Regional Office, thanks the Marine Life Protection Act Initiative (MLPA) Blue Ribbon Task Force for the opportunity to review and comment on the revised draft Master Plan Framework. The draft Master Plan Framework represents a considerable work effort and the authors are to be congratulated for preparing such a complex document. The NMFS comments are intended to help the State of California achieve its goal of marine life protection as well as facilitate the use of the framework once it is put into action. Comments are categorized as general and specific.

General Comments

The framework appears to focus on an ecosystem approach to fisheries management rather than an ecosystem approach to coastal management. That is, it focuses on the exclusive use of MPAs to manage fisheries for achieving the six protection goals of the Marine Life Protection Program. However, as mentioned in the draft, there are other threats to marine systems including habitat alteration and water quality issues that are derived from sources other than fishing activities. In fact, NMFS has identified over 20 major types of activities in riverine, estuarine, and coastal systems that have potential to degrade aquatic habitats and impact marine life. Yet, the framework only addresses the potential threats from fishing. The point of this comment is to question whether the framework is intended to implement the MLPA from a narrow or broad perspective for coastal protection. As it is written now, the framework appears to have a narrow focus. Such an approach seems to miss a unique opportunity for protecting coastal systems from a wide assortment of activities that cover fishing and non-fishing activities.

In reviewing the document, it is very clear that the use of marine protected areas (MPAs) is the primary tool proposed to achieve the goals of the MLPA. The use of MPAs is a form of fisheries management in that it regulates recreational and commercial fishing activities, that is, it allocates fishing opportunities. Consequently, the master plan framework should address how this form of fisheries management will be integrated with other state and federal fishery management activities. Without taking existing prohibitions into consideration, the use of MPAs to manage fisheries may ultimately place additional stress on open areas from displaced fishermen and defeat the intentions of the MLPA.



On the topic of MPAs, the draft periodically lapses into a dialogue related to no-take MPAs or marine reserves when it may be more appropriate to consider using the more general MPA description. These references to marine reserves communicates a perception that marine reserves are the preferred version of MPAs to achieve the goals of the MLPA without first undertaking the MPA planning process outlined in the document.

The documents frequently refers to the Science Advisory Team (SAT). Considering that the document only represents a draft version, it was probably not a priority that a list of SAT members be included as an appendix. However, it may be useful to include such a list in future versions.

The document would be greatly improved if specific examples are provided to support many of the generalized statements or assertions made throughout this section. Similarly, statements of fact should be supported by appropriate references. This is not so much an issue in the introductory section but in later sections.

Specific Comments

Page 8, 3rd para.: The last sentence in this paragraph states that waters are so impaired in some bays and estuaries that certain uses are prohibited or restricted. The statement would be much more convincing if locations and specific examples of prohibited uses are given.

Page 10, 1st para.: The paragraph concludes by stating that the current rockfish conservation areas are “de facto” MPAs as opposed to MPAs developed in the MLPA process which would be permanent designations. The statement seems to overlook the role that adaptive management will play in the MLPA process. As stated in Section 5 (Monitoring and Evaluation of MPAs), adaptive management will be used to “....add, modify, or eliminate MPAs based on information gained....” Consequently, MPAs designated under MLPA may not necessarily be permanent themselves.

Page 10, bullets: Up until this part of the document, the discussion has focused on the broader topic of MPAs but then shifts into the specific discussion of using marine reserves. It is not clear why the transformation from the general to the specific terminology was made.

Page 12, 2nd para.: It is mentioned that a member of the SAT subteam will attend each regional stakeholder group (RSG) meeting. Because these group meetings may include both ecological and socio-economic issues, the question is raised as to whether having only one SAT subteam member will provide sufficient assistance to the RSG.

Page 15, Table 1, Activities 1.3.8 and 1.5.3. These two activities seem crucial to the entire MLPA process yet they are placed low on the planning cycle. One suggestion would be to evaluate both tasks earlier in the process and to also broaden them to include both potential fishing and non-fishing threats.

Page 24, 2nd para.: The statement is made that the use of MPAs is recognized in the second and third goals of the MLPA. However, these interpretations were difficult to infer from the brief goal statements made on the preceding page. It may be useful to clarify these goal statements further to show how these interpretations were derived.

Page 25, Science Advisory Team Advice: This section would be improved greatly if statements made throughout this section cite references.

Page 26, last paragraph: The statement about citing MPAs in areas of poor water quality is puzzling under the context of MLPA. If the intent of the act is to protect marine life, one would think that an issue of poor water quality would take precedent over any thought of establishing an MPA.

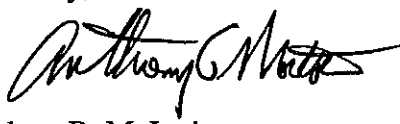
Page 38, 1st paragraph: It is not clear what is meant by an MPA that is "defensible."

Page 39, list of baseline data needs: One additional item to consider adding to the list is one pertaining to existing management and regulatory activities.

Page 41, last para.: In addition to any management plan describing the allocation of responsibilities to various agencies and organizations is the equally important description of a process that ensures that these responsibilities will be implemented. It is suggested that this aspect of management be included in the paragraph.

This concludes our review. Should you have any question, please feel free to contact Mr. Mark Helvey at either mark.helvey@noaa.gov or (562) 980-4040.

Sincerely,


for Rodney R. McInnis
Regional Administrator

cc: William Fox - SWFSC